IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8049 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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SAIYAD IBRAHIM SAIYAD MEHMOOD

Versus

PRESIDING OFFICER

Appearance:

1. Special Civil Application No. 8049 of 2001

MR SHALIN N MEHTA for Petitioner No. 1

RULE SERVED BY DS for Respondent No. 1,5

MR KIRAN C RAVAL for Respondent No. 2

UNSERVED-REFUSED (R) for Respondent No. 3-4,6

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 06/04/2002

ORAL JUDGEMENT

After the matter being heard at length on merits, learned Counsel on both sides fairly conceded that the

claim of the petitioner workman for the overtime wages was required to be re-examined on merits after taking necessary evidence before the Labour Court and therefore, despite all the genuine objections and grounds of this petition, and without commenting on any of them on merits, it was appropriate to sustain the impugned order dated 19.5.2001, setting aside the original order in Recovery Application No. 787/91 dated 6.2.1993. It was however, also submitted that the passage of time of about 9 years was wholly attributable to the lapses on the part of the respondent industry and re-examination of the whole case after such a long period and series of litigations cast a burden on the petitioner, which he could hardly bear. In these facts, the learned Counsel also agreed for the payment of appropriate amount by way of cost to the petitioner, which was quantified at Rs. 12,500/-. Accordingly, the petition is disposed of and the Labour Court, Surat is directed to dispose of the original Recovery Application No. 787/91 on merits as expeditiously as possible, and preferably within a period of four months from today. The parties have undertaken to co-operate in the earliest possible disposal of the case and also made a statement that neither party shall ask for any unnecessary adjournment. The respondent No.3 shall pay to the petitioner by way of cost the sum of Rs. 12,500/- in cash or by Demand Draft, on or before 6th May, 2002, which time limit is suggested by the learned Counsel Mr. Raval. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(D.H.Waghela, J.)

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